In the High Court of Punjab and Haryana at Chandigarh

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C.W.P. No.20053 of 2006

.....

Date of decision: 18.12.2006

Col. Hazura Singh Virk (Retd.)

.....Petitioner

v.

Shiromani Gurudwara Parbandhak Committee, Amritsar and others

.....Respondents

....

Coram: Hon'ble Mr. Justice S.S. Nijjar
Hon'ble Mr. Justice S.S. Saron

Present: Mr. G.S. Bal, Advocate for the petitioner.

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The petitioner has challenged the order dated 31.7.2006 (Annexure-P.5). Learned counsel for the petitioner vehemently argues that the petitioner is entitled to continue till the age of 70. In support of the aforesaid submission, learned counsel relies on the communication issued by the AICTE on 2.8.2006. Learned counsel further argues that the services of the petitioner could not have been terminated by the Principal as the question whether or not the petitioner will be permitted to continue till the age of 70 was to be decided only by the Managing Committee of respondent No.2-College.

We are unable to accept any of the submissions of the learned

counsel for the petitioner. A perusal of Annexure-P.1, the initial order of appointment dated 6.10.1999, makes it abundantly clear that the petitioner was appointed for a period of two years on contract basis with a stipulation that his term could further be extended with the consent of both the parties. The order of appointment further provides that special assessment will be made about the work and conduct of the petitioner during next two years. Keeping in view his performance the contract could be extended on regular basis and he could even be offered higher salary/start. The claim of the petitioner that he was permitted to continue upto the age of 70 is also not supported by the letter dated 10.10.2006, by which the petitioner has been appointed as Administrative Officer-cum-Guest Faculty till further orders. Even in this order, it is categorically provided that the appointment of the petitioner is subject to the approval of the College Managing Committee. He was only appointed on the consolidated salary of Rs.20,000/- per month. His service conditions were to be determined by the Punjabi University, Patiala/Managing Committee of the College. The aforesaid conditions make it abundantly clear that no final decision has been taken by the competent authority to continue the petitioner in service till the age of 70. The learned counsel has further argued that the services of the petitioner have not been continued till the age of 70 only because respondent No.4 is interested in appointing respondent No.5 on the post on which the petitioner is presently working. Learned counsel vehemently submits that respondent No.5 does not hold the necessary qualifications and could not be appointed on the aforesaid post.

We are of the considered opinion that since the petitioner has no right to claim the post having already retired, he would have no locus

standi to challenge the appointment of respondent No.5. We find no merit in this writ petition.

Dismissed.

(S.S. Nijjar)
Judge

December 18, 2006.

(S.S. Saron)
Judge

hsp